

REMARKS

Claims 1 and 2 were originally presented in the subject application, but were canceled in favor of claims 3-7 in a Preliminary Amendment filed with the application. Claim 6 has herein been canceled without prejudice, and the substance thereof added to claim 5. No claims have herein been added. Therefore, claims 3-5 and 7 remain in this case.

The addition of new matter has been scrupulously avoided.

Applicants respectfully request reconsideration and withdrawal of the grounds of rejection.

Obviousness-Type Double Patenting Rejection

The Office Action rejected claims 3-7 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of prior U.S. Patent No. 6,442,613.

In response, Applicant submits herewith a Terminal Disclaimer over U.S. Patent No. 6,442,613.

35 U.S.C. §102 Rejection

The Office Action rejected claims 3 and 4 under 35 U.S.C. §102(e), as allegedly anticipated by Harriman et al. (U.S. Patent No. 6,226,687). Applicants respectfully, but most strenuously, traverse this rejection.

With respect to the anticipation rejection, it is well settled that a claimed invention is not anticipated unless a single prior art reference discloses: (1) all the same elements of the claimed invention; (2) found in the same situation as the claimed invention; (3) united in the same way as the claimed invention; (4) in order to perform the identical function of the claimed invention. In this instance, Harriman et al. fails to disclose at least one element of

each of the independent claims and as a result does not anticipate, or even render obvious, Applicants' invention.

Claim 3 recites a method of controlling the flow of information across links between senders and receivers. The method comprises, for example, including in a packet a sequence number usable in maintaining delivery order of the packet. The packet has no memory address and requires no explicit individual response.

Against this aspect of claim 3, the Office Action cites to Harriman et al. at column 2, line 12 to "col. 61." Applicants assume this is a typographical error, as there is no column 61 in Harriman et al. Thus, Applicants assume for purposes of these remarks that "line 61" was the intent.

However, the cited section of Harriman et al. discloses assigning a number to a given packet at a particular processing stage in the order of arrival at that stage. The packets are only allowed to leave that stage and be processed at another stage in the order specified by the numbers assigned. In contrast, the noted aspect of claim 3 recites including a sequence number in the packet itself, not simply associating a packet with a number chosen later at some stage of processing.

In addition, Applicants submit there is no disclosure, teaching or suggestion in Harriman et al. of a packet having no memory address. The only reference to memory in the cited section of Harriman et al. is that a packet is received by a switching hub and is stored in a memory location, with a pointer to the memory location then being used. Thus, it would seem that Harriman et al. teaches away from a packet having no memory address.

Applicants further submit there is no disclosure, teaching or suggestion in Harriman et al. of a packet requiring no explicit individual response. Harriman et al. is simply silent in that regard, as the focus is on maintaining the same order leaving a processing stage as arriving.

Therefore, Applicants submit that claim 3 cannot be anticipated by, or rendered obvious over, Harriman et al.

35 U.S.C. §103 Rejection

The Office Action rejected claims 3-7 under 35 U.S.C. §103, as allegedly obvious over Harriman et al. in view of Gregg (U.S. Patent No. 5,938,786). Applicants respectfully, but most strenuously, traverse this rejection.

With regard to claim 3, Applicants submit that Gregg fails to remedy the shortcomings of Harriman et al. noted above regarding the anticipation rejection. In fact, with respect to the aspect of “requiring no explicit individual response,” Applicants note that Gregg teaches to respond after receipt of a data frame.

Therefore, Applicants submit that claim 3 cannot be rendered obvious over Harriman et al. in view of Gregg.

Amended claim 5 recites, for example, that an end of a buffer area is specified when the continue indicator is off. Against this aspect of claim 5 (previously in claim 6), the Office Action cites to Gregg at column 4, lines 49-65 and column 6, line 38 to column 8, line 15.

However, Applicants see nothing in the cited section of Gregg teaching or suggesting a continue indicator specifying an end of buffer area when off. In contrast, Gregg actually teaches the A bit indicating no further buffer areas when off, rather than an end of a buffer area. In other words, Gregg is concerned, in part, with a relationship *between* buffer areas, rather than within a buffer area. See Gregg at column 4, lines 49-65, describing FIG. 4 and the use of the A bit to indicate more buffer areas to follow/precede.

Therefore, Applicants submit that claim 5 cannot be rendered obvious over Harriman et al. in view of Gregg.

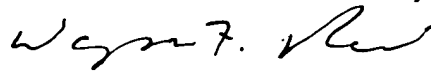
CONCLUSION

Applicants submit that the dependent claims not specifically addressed herein are allowable for the same reasons as the independent claims from which they directly or ultimately depend, as well as for their additional limitations.

For all the above reasons, Applicants maintain that the claims of the subject application define patentable subject matter and earnestly requests allowance of claims 3-5 and 7.

If a telephone conference would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided.

Respectfully submitted,



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